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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHINGO KURAMOCHI

Appeal 2007-3475
Application 09/970,968
Technology Center 2100

Decided: January 23, 2008

Before JAMES D. THOMAS, ST. JOHN COURTENAY III, and STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-20. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

A. Invention

1The disclosed invention is generally directed to managing objects based on the position of the objects. More particularly, Appellant's invention provides for a system in which a host computer stores map data, coordinates data, manages data of an object to be managed, and outputs the database to a portable terminal machine. The portable terminal machine can display the management information of the object to be managed such as position or coordinate information based on the database received from the host computer (Spec. 4).

B. Illustrative Claim

Claim 1, which further illustrates the invention, follows:

1. A system for managing an object positioned in a management area, the system comprising

a host computer for holding a database in which position data of an object to be managed is stored in relation to attribute data of the object to be managed used for identifying the object to be managed, the position data including coordinate data comprising starting points "x" and "Y" and end points "X" and "Y" for each object to be managed;

a portable terminal machine configured to specify the object to be managed, amount a plurality of objects to be managed;

data communication means for transferring only a selected database from the host computer to the portable terminal machine so that only information about the object to be managed and physical surrounding attributes is transferred to the portable terminal; and

an editing means for editing the coordinate data of a new object to be managed or when the object to be managed is being moved to a new location,

wherein the portable terminal machine displays a position of the object to be managed according to the coordinate data in the database transferred from the host computer to the portable terminal machine and the physical surrounding attributes.

C. Rejection

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,867,110 ("Naito"), U.S. Patent No. 6,263,347 ("Kobayashi"), and U.S. Patent No. 5,835,916 ("Inaki").

PRINCIPLES OF LAW

"What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under *§ 103*." *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007). To be nonobvious, an improvement must be "more than the predictable use of prior art elements according to their established functions." *Id.* at 1740. Appellant has the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) ("On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness.") (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)). Therefore, we look to Appellant's Brief to show error in the proffered prima facie case.

II. CLAIM GROUPING

1"When multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately." 37 C.F.R. § 41.37(c)(1)(vii) (2005).[1]

Here, Appellant argues independent claims 1, 6, 7, 10, 13, and 17 and each of dependent claims 2-5, 9, 11, 12, 16, and 18-20 separately but does not argue dependent claims 8, 14, and 15. Also, Appellant places claims 3 and 4 in different headings in the Appeal brief but relies on the same arguments with respect to deficiencies in the cited references.

We consider dependent claim 8 with independent claim 7 from which claim 8 depends, dependent claims 14 and 15 with independent claim 13, and claims 3 and 4 as a group.

At the outset, we note that Appellant has presented no arguments directed to the combinability of Naito, Kobayashi, and Inaki for claims 1-20. Accordingly, Appellant has waived any such arguments, and the combinability of the references will not be addressed here. See 37 C.F.R. § 41.37(c)(1)(vii)(2006) ("any arguments or authorities not included in the

[1] We cite to the version of the Code of Federal Regulations in effect at the time of the Appeal Brief. The current version includes the same rules.

brief or a reply brief filed pursuant to Sec. § 41.41 will be refused consideration by the Board, unless good cause is shown.").

III. CLAIM 1

"Rather than reiterate the positions of parties *in toto*, we focus on the issue therebetween." *Ex Parte Filatov*, No. 2006-1160, 2007 WL 1317144, at *2 (BPAI 2007).

Appellant disputes the Examiner's finding that claim 1 is unpatentable over Naito, Kobayashi, and Inaki and asserts that Naito fails to disclose prompting "a user to specify a specific object to be managed from among the plurality of objects to be managed" (App. Br. 10).

We find that claim 1 fails to recite prompting a user to specify a specific object to be managed from among a plurality of objects to be managed. "[L]imitations are not to be read into the claims from the specification." *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) (citing *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989)). Therefore, we are unpersuaded by Appellant's argument.

Appellant further asserts that Naito fails to disclose "a portable terminal machine that specifies an object to be managed, among a plurality of objects to be managed" (App. Br. 10). The Examiner finds that Naito discloses a portable terminal machine configured to specify the object to be managed (Ans. 4). We find the weight of the evidence supports the Examiner's position.

The Specification discloses an "object to be managed" (see, e.g., Spec. 3) and discloses examples of "objects" such as a computer (Spec. 1), a machine, a collection of machines (Spec. 8), merchandise stock, information

in a library, or books (Spec. 24). However, the Specification fails to provide an explicit definition of the term "object to be managed" or extrinsic evidence demonstrating how one of ordinary skill in the art would have defined the term. In the absence of such guidance, we construe the term "object" using a standard definition as any entity that is tangible or perceptible. "[T]he PTO gives claims their 'broadest reasonable interpretation.'" *In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004) (quoting *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000)).

Naito discloses a "portable terminal **12**" (col. 4, l. 38) containing a "current position detecting unit **28**" (col. 5, l. 29, Fig. 1) that "generates position information data indicative of the current position of the portable terminal . . . and sends the data" (col. 5, ll. 29-32). This position information data is disclosed by Naito as being received at a host database (col. 6, ll. 6-7) and corresponding to position data stored in the host database of "disaster information data to be reported to the user of a portable terminal **12** who is at the position concerned upon occurrence of a disaster" (col. 6, ll. 8-12). Also, the disasters reported may include multiple types of disasters "such as an earthquake, a tidal wave, an explosion, pollution" (col. 7, ll. 34-36). We find that "objects" such as any entity that is tangible or perceptible include such disasters because disasters are tangible and/or perceptible. We therefore find that the portable terminal of Naito specifies, among a plurality of disasters (i.e., objects to be managed) stored in the host database, a disaster corresponding to position data of the portable terminal. Hence, we agree with the Examiner that Naito discloses that the position detecting unit 28 (of the portable terminal 12) specifies the object to be managed (i.e., a disaster) among a plurality of objects to be managed, as recited in claim 1.

Appellant also argues that Naito does not disclose "an editing means for editing the coordinate data of a new object to be managed or when the object to be managed is being moved to a new location" (App. Br. 10). The Examiner asserts that Naito discloses "means for updating the content of the database based on the received information (data); see col. 12, lines 35-41" (Ans. 16) and further equates the means for updating of Naito with the editing means recited in claim 1. The portion of Naito cited by the Examiner discloses that "the host computer **50** . . . receives the disaster information data . . . [and] . . . updates the contents of the database **52** based on the received information" (col. 12, ll. 34-37). We agree with the Examiner that Naito discloses editing coordinate data of a disaster (i.e., object to be managed) when the object is new or moving to a new location as recited in claim 1.

Appellant also asserts that although Naito "discusses how a database can be updated, this is not the same as an editing means for editing the coordinate data of a new object" (Reply Br. 2). We adopt the standard definition of the term "update" as meaning modifying information with more recent information. "[T]he PTO gives claims their 'broadest reasonable interpretation.'" *In re Bigio*, 381 F.3d at 1324 (Fed. Cir. 2004) (quoting *In re Hyatt*, 211 F.3d at 1372 (Fed. Cir. 2000)). Based on the plain meaning of the terms, we find that updating (or modifying) a database is equivalent to editing data in the database. Appellant fails to provide a rationale supporting the contention that a means for updating a database as disclosed by Naito "is not the same as an editing means for editing" (Reply Br. 2). As such, we are unpersuaded by Appellant's arguments.

Appellant asserts that Naito fails to disclose "a database in which position data of an object to be managed is stored in relation to attribute data of the object to be managed" (App. Br. 10). The Examiner finds that Naito discloses the database storing position data of an object to be managed at column 1, line 67 – column 2, line 2. In addition, the database of Naito stores "position information data corresponding to current positions of the portable terminal **12** and disaster information data to be reported to the user" (col. 6, ll. 8-10). We find the weight of the evidence supports the Examiner's position. Naito discloses a "host apparatus including a database storing a plurality of data sets each concerning a predetermined position" (col. 1, l. 67 – col. 2, l. 2), including position information "and disaster information data to be reported to the user" (col. 6, ll. 8-10). We find that the database in the host apparatus of Naito that stores position information equates with the database of the host computer of claim 1 that stores position data. Appellant has failed to provide logical reasoning regarding the alleged difference(s) between the storing of position information of Naito and the recitation in claim 1 of a database in which position data is stored. We therefore are unpersuaded by Appellant's arguments.

Appellant asserts that Naito fails to disclose "coordinate data comprising starting points 'X' and 'Y' and end points 'X' and 'Y' for each object to be managed" (App. Br. 11). The Examiner finds that Inaki discloses "data on the coordinates start points X and Y and data on the coordinates for the end X and Y (see Inaki, col. 4, lines 40-46)." (Ans. 17). In addition, Naito discloses position data of a terminal that includes "data indicative of longitude and latitude of [a] point" (col. 7, ll. 18-20). After reviewing the record before us, we find the weight of the evidence supports

the Examiner's position. Naito discloses position data including longitude and latitude information of a location. Such information provides geographical placement of the location at an "X" coordinate (i.e., latitude) and a "Y" coordinate (i.e., longitude). Inaki further emphasizes this point by disclosing locating objects by coordinates for points X and Y. Appellant has failed to provide a rationale regarding any proposed difference(s) between the recited X and Y coordinates and the X and Y coordinates of Inaki or the latitude and longitudinal data of Naito. Therefore, we are unpersuaded by Appellant's argument.

Appellant asserts that Naito fails to disclose a data communication means which transfers only a selected database from the host computer to the portable terminal machine so that only information about the object to be managed and surrounding environment attributes is transferred to the portable terminal (App. Br. 11). The Examiner finds that Naito discloses a data communication means at column 2, lines 25-28, including a "communication host apparatus" (col. 2, ll. 25-26) that "transmits appropriate data to the portable terminal" (col. 2, ll. 26-27). The "appropriate data" includes, for example, "disaster news indicative of the kind of disaster which occurred, the scale of the disaster . . . impassable road section information data . . . shelter route information . . ." (col. 6, ll. 46-55). We therefore agree with the Examiner that Naito discloses transfer of data from a host computer to a portable terminal of information about an object to be managed (i.e., "disaster news") and surrounding environment attributes (e.g., "road section information" or "shelter route information").

Appellant further argues that "Kobayashi does not compensate for or cure these deficiencies of NAITO" because "KOBAYASHI does not . . .

suggest a system that is designed to maintain or manage objects, as defined in the claimed invention" (App. Br. 11). However, as set forth above, we find that Naito discloses a system that manages objects to be managed.

Appellant also argues that "INAKI fails to cure . . . [the] deficiencies of NAITO and KOBAYASHI" (App. Br. 13) because "[t]his document (Inaki) has nothing whatsoever to do with a system that is designed to maintain or manage objects or with regard to linking terminals to a host computer in order [to] generate a map indicating terminal locations and fixed items" (App. Br. 13).

"In order to rely on a reference as a basis for rejection of the applicant's invention, the reference must either be in the field of the applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1447 (Fed. Cir. 1992). *See also In re Deminski*, 796 F.2d 436 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem."); *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858 (Fed. Cir. 1993); and *State Contracting & Eng'g Corp. v. Condotte America, Inc.*, 346 F.3d 1057, 1069 (Fed. Cir. 2003) (where the general scope of a reference is outside the pertinent field of endeavor, the reference may be considered analogous art if subject matter disclosed therein is relevant to the particular problem with which the inventor is involved).

The present invention relates to a computer system that stores data pertaining to objects to be managed in a host database. Inaki discloses a

computer system for storing and managing data (e.g., text data) in a table (Inaki Abstract). We find that Inaki's disclosure of storing and managing text data in a table is reasonably pertinent to storing data pertaining to objects to be managed in a database. Therefore, we disagree with Appellant that Inaki has "nothing whatsoever to do with" the present invention.

In addition, as set forth above, Naito discloses a system for storing and reporting data to a user based on a location. Ordinary design or market forces would have prompted predictable variations to the Naito system. Such design or market forces, for example, would have prompted one of ordinary skill in the art to determine location information by identifying X and Y coordinates as disclosed by Inaki to achieve a predictable variation with expected results. Thus, even if Appellant is correct that Inaki "has nothing whatsoever to do with" Naito or Kobayashi, we agree with the Examiner that identifying location data using X and Y coordinates as disclosed by Inaki would have been within the technical grasp of and obvious to one of ordinary skill in the art given market or design pressures even assuming that Inaki's disclosure is of a different field. "When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field *or a different one*. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1740 (2007) (emphasis added).

Appellant further argues that Inaki fails to disclose "the recited data coordinate points" (App. Br. 13). The Examiner states that Inaki discloses "data on the coordinates start points X and Y and data on the coordinates for the end X and Y (see Inaki, col. 4, lines 40-46)" (Ans. 17). We agree with

the Examiner that Inaki discloses "coordinates for the start points X and Y and data on the coordinates for the end points X and Y" (col. 4, ll. 44-45). Appellant fails to establish that the Inaki disclosure is not equivalent to the X and Y coordinates recited in claim 1.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 1, we affirm the rejection of claim 1.

IV. CLAIM 6

Appellant argues that Naito fails to disclose prompting "a user to specify a specific object to be managed from among the plurality of objects to be managed." (App. Br. 15). We find that claim 6 does not recite prompting a user to specify a specific object to be managed from among the plurality of objects to be managed. We are, therefore, unpersuaded by Appellant's argument.

Appellant further argues that Naito fails to disclose "a portable terminal machine that specifies an object to be managed, among a plurality of objects to be managed" (App. Br. 15); that Kobayashi fails to "cure these deficiencies of NAITO" (App. Br. 15); and that "INAKI fails to cure the above-noted deficiencies of NAITO and KOBAYASHI" (App. Br. 17). We are unpersuaded by Appellant's arguments for the reasons set forth above.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 6, we affirm the rejection of claim 6.

V. CLAIMS 7 AND 8

We select claim 7 as the sole claim on which to decide the appeal of the group. Appellant argues that Naito fails to disclose "searching the

database stored in the data storing unit according to the retrieval condition to identify a match between the attribute data and the retrieval condition and consequently to identify position data of the object to be managed independent of the portable position display apparatus's position" (App. Br. 18).

Naito discloses the host receiving "position information data from the portable terminal **12**" (col. 9, ll. 50-51) and referring "to the retrieval key table **201** in the database **52**" (col. 9, ll. 51-52) to define "an area in which the position corresponding to the received position information data falls" (col. 9, ll. 53-54). The data set identified corresponds to attributes of a disaster such as "the impassable road section" or "disaster point information . . . disaster area information data . . . and the disaster classification information data . . ." (col. 9, ll. 61-65). Naito also does not disclose that searching the database or identifying position data of the disaster is dependent on portable position display apparatus position, i.e., searching and identifying is independent of the portable position display apparatus position as claim 7 recites. Because we find that Naito discloses searching the database (i.e., referring to the retrieval key table in the database) to identify a match (i.e., disaster area information, etc.) and identifying position data of the object to be managed (i.e., position corresponding to a disaster) independently of the position of a portable apparatus, we are unpersuaded by Appellant's argument.

Appellant further argues that "KOBAYASHI does not compensate for or cure these deficiencies of NAITO" (App. Br. 19) and "INAKI fails to cure the above-noted deficiencies of NAITO and KOBAYASHI" (App. Br. 20).

However, as set forth above, Appellant has failed to establish deficiencies of Naito.

Appellant also argues that "there is no apparent basis or motivation for modifying NAITO in view of the teachings of KOBAYASHI" because "NAITO requires the information to be dependent on the position of the remote terminal" (App. Br. 21). However, as set forth above, we do not find that Naito discloses that disaster information stored in the host database is dependent on the position of the remote terminal. Although Appellant asserts that such information in Naito is dependent on the position of a remote terminal, Appellant fails to provide specific support for this assertion. Therefore, we are unconvinced by Appellant's argument.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 7, we affirm the rejection of claim 7, and of claim 8, which falls therewith.

VI. CLAIM 10

Appellant argues that Naito fails to disclose "a database in which position data of an object to be managed is stored in relation to attribute data of the object to be managed" or "the database outputting unit outputs only a selected portion of the database to a portable terminal machine so that only information about the object to be managed and physical attributes of a surrounding environment is transferred to the portable terminal" (App. Br. 22).

As set forth above, we find that Naito discloses storing disaster information and position information corresponding to the disaster, which are encompassed by the claimed attribute data and position information of an

"object to be managed." Therefore, we find that Naito discloses a database storing position data of an object to be managed in relation to attribute data of the object to be managed.

In addition, Naito discloses transmitting "to the appropriate portable terminal **12** . . . the retrieval data set including the text information data **205** to the disaster classification information data **210** read out in STEP **703** (STEP **704** . . ." (col. 9, l. 66 – col. 10, l. 5). We find that Naito's disclosure of transmitting disaster information to the portable terminal is encompassed by the database outputting unit recited in claim 10. Therefore, we are unconvinced by Appellant's argument.

Appellant further argues that "KOBAYASHI does not compensate for or cure these deficiencies of NAITO" and "INAKI fails to cure the above-noted deficiencies of NAITO and KOBAYASHI" (App. Br. 23). However, Appellant fails to establish specific "deficiencies" of Naito.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 10, we affirm the rejection of claim 10.

VII. CLAIMS 13, 14, AND 15

We select claim 13 as the sole claim on which to decide the appeal of the group. Appellant argues that Naito fails to disclose "displaying the position of the specific object to be managed in the area on the map according to the map data and the position data read from the database" (App. Br. 24).

Naito discloses a data processing unit of a portable terminal that indicates "the disaster point information data **208** and the like to specify an area in the map to be displayed on the screen of the display unit **22** so as to

read out appropriate map data from the map database" (col. 10, ll. 23-27). We find that Naito's disclosure of displaying map data corresponding to disaster point information data encompasses displaying a position of an object (i.e., a disaster) to be managed in the area on the map, as recited in claim 13. Therefore, we are unpersuaded by Appellant's argument.

Appellant further argues that "KOBAYASHI does not compensate for or cure these deficiencies of NAITO" (App. Br. 24). However, Appellant fails to establish specific "deficiencies" of Naito.

Appellant also argues that Inaki is "entirely unrelated to the subject matter of the instant invention" (App. Br. 25). For reasons set forth *supra*, we disagree with Appellant's assertion.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 13, we affirm the rejection of claim 13, and of claims 14 and 15, which fall therewith.

VIII. CLAIM 17

Appellant argues that Naito fails to disclose "drawing on a map a display mark of the object to be managed according to an input from a user that specifies the object to be managed from among a plurality of objects to be managed" (App. Br. 26).

Naito discloses a display unit that "displays on the screen thereof a text corresponding to the text information data, and, based upon the supplied intersection position data, displays on the screen thereof an image of a map in which the impassable road sections and the route toward the shelter are specified" (col. 10, ll. 45-49). We find that Naito's disclosure of displaying an image of a map including an indication of a specific disaster (i.e., one

object to be managed) based on location of the user is encompassed by "drawing a display mark of the object to be managed according to an input from a user that specifies the object to be managed from among a plurality of objects to be managed" as recited in claim 17.

Appellant further argues that "KOBAYASHI does not compensate for or cure these deficiencies of NAITO" (App. Br. 27). However, Appellant fails to establish specific "deficiencies" of Naito.

Appellant also argues that Inaki is "entirely unrelated to the subject matter of the instant invention" (App. Br. 28). For reasons set forth *supra*, we disagree with Appellant's assertion.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 17, we affirm the rejection of claim 17.

IX. CLAIM 2

Appellant argues that Naito fails to disclose "searching the database according to the retrieval condition to obtain the position data from the database when the attribute data of the object to be managed matches the retrieval condition" (App. Br. 28).

However, Naito discloses the host receiving "position information data from the portable terminal **12**" (col. 9, ll. 50-51) and referring "to the retrieval key table **201** in the database **52**" (col. 9, ll. 51-52) to define "an area in which the position corresponding to the received position information data falls" (col. 9, ll. 53-54). The data set identified corresponds to attributes of a disaster such as "the impassable road section" or "disaster point information . . . disaster area information data . . . and the disaster classification information data . . ." (col. 9, ll. 61-65). Appellant, while

asserting that Naito does not disclose claim 2, nevertheless, fails to provide a logical basis to establish that Naito's disclosure of searching the database (i.e., referring to the retrieval key table in the database) to identify position data of a disaster area (object to be managed) is not encompassed by the searching recited in claim 2.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 2, we affirm the rejection of claim 2.

X. CLAIMS 3 AND 4

We select claim 3 as the sole claim on which to decide the appeal of the group. Appellant argues that the Examiner "has failed to explain how such language [at col. 10, ll. 44-55] even remotely discloses or suggests that the portable terminal includes a synchronization unit for synchronizing data in the database stored in the data storing unit of the portable terminal machine with data in the database held in the host computer" (App. Br. 30).

Naito discloses that information from the host database is supplied to the portable terminal and displayed on a display unit in the portable terminal (col. 10, ll. 44-46). "The portable terminal **12** has received the retrieval data set via the communication network system **14**" and "the data processing unit **24** reads out the second text information data **302** from the first database in the database **32**, based upon the disaster classification information data **210** in the retrieval data set (col. 10, ll. 6-15). Naito therefore discloses the host database sending stored disaster information to the portable terminal and the portable terminal reading out the information from "database **32.**" Hence, we find that the disaster information in the host database is synchronized with the disaster information in database 32. Although Appellant asserts

that Naito fails to disclose synchronizing data in the database, Appellant fails to provide a rationale supporting non-equivalence of Naito with claim 3.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 3, we affirm the rejection of claim 3, and of claim 4, which falls therewith.

XI. CLAIM 5

Appellant argues that the Examiner "has failed to explain how such language [Naito, col. 1, l. 65 – col. 2, l. 20] even remotely discloses or suggests that the object to be managed is a computer" (App. Br. 32).

As set forth above, the Specification fails to provide an explicit definition of the term "object to be managed" or extrinsic evidence as to how one of ordinary skill in the art would have defined the term. "[T]he PTO gives claims their 'broadest reasonable interpretation.'" *In re Bigio*, 381 F.3d at 1324 (Fed. Cir. 2004) (quoting *In re Hyatt*, 211 F.3d at 1372 (Fed. Cir. 2000)). Applying a broad but reasonable interpretation, we find that "objects to be managed" include any entity that is tangible or perceptible, such as a portable terminal disclosed by Naito.

Naito discloses that the host computer is in communication with "at least one portable terminal" (*i.e.*, an object to be managed) via a "communication network" and contains a database. The host database contains "position information indicative of the current position of the portable terminal detected by the current position detecting means" (col. 2, ll. 21-25). Hence, the host computer of Naito holds "a database in which

position data" of the portable terminal (corresponding to position data of a disaster) is stored.

We also apply a broad but reasonable interpretation to the term "computer" to include any device that processes data. We find that the portable terminal of Naito process data and is therefore encompassed by the claimed "computer" of claim 5. Therefore, we find that Naito discloses the features of claim 5.

Appellant, while asserting that Naito does not "remotely disclose[s]" claim 5, nevertheless, fails to provide a logical basis to establish specific differences between the Naito disclosure and claim 5.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 5, we affirm the rejection of claim 5.

XII. CLAIM 9

Appellant argues that "[t]he Examiner has failed to explain how such language [Naito, col. 10, ll. 44-55] even remotely discloses or suggests that the portable display apparatus of claim 7 [from which claim 9 depends] further includes a management information display unit for displaying management information of the object to be managed according to the attribute data in the database when the searching unit identifies the match" (App. Br. 34).

Naito discloses that "the display unit 22" of the portable terminal "displays on the screen thereof a text corresponding to the text information data . . . [and] . . . displays . . . an image of a map in which the impassable road sections and the route toward the shelter are specified" (col. 10, ll. 45-49). Also, Naito discloses that the host apparatus receives "position

information data from the portable terminal **12** . . . refers to the retrieval key table **201** in the database **52** to determine . . . the position corresponding to the received position information . . ." (col. 9, ll. 46-54). Hence, Naito discloses that position and attribute information corresponding to a disaster (object to be managed) is identified in a host database via identifying a match and this information is displayed "on the screen" of a portable terminal. Appellant asserts that Naito does not "even remotely disclose[s]" claim 9 but fails to provide a logical rationale as to how the disclosure of Naito differs from claim 9.

Appellant further argues that "dependent claim 4 is allowable at least for the reason that this claim [claim 9] depends from allowable claim 7" (App. Br. 34). We are unpersuaded by Appellant's argument in support of claim 4 because claim 4 depends from independent claim 1 while claim 9 depends from independent claim 7. Also, claim 4 and claim 9 recite different features. Therefore, we disagree that arguments presented for claim 9 are applicable to claim 4.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 9, we affirm the rejection of claim 9.

XIII. CLAIM 11

Appellant argues that the Examiner "has failed to explain how such language [Naito, col. 4, l. 55 – col. 5, l. 3] even remotely discloses or suggests that the apparatus of claim 10 further includes, among other things, a mark drawing unit for enabling a user to draw a display mark on the map displayed by the map display unit" (App. Br. 35).

Naito discloses a touch panel and an input device that "detects the operation and provides the data processing unit **24** with instructions or data input by the user" (col. 4, ll. 65-67). Therefore, Naito discloses a user inputting data via an input device on a touch panel. In addition, Naito discloses a display unit that "displays . . . an image of a map in which the impassable road sections and the route toward the shelter are specified" (col. 10, ll. 45-49). We find that Naito's disclosure of a user input device and displaying an image of a map including an indication of a specific disaster (i.e., one object to be managed) based on location of the user is encompassed by "enabling a user to draw a display mark on the map displayed by the map display unit" as recited in claim 11. Appellant, while asserting that Naito does not "remotely disclose[s]" claim 11, nevertheless, fails to provide a logical basis to establish that the user input device and display of an image map and an indication of a disaster differs from claim 11.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 11, we affirm the rejection of claim 11.

XIV. CLAIM 12

Appellant argues that the Examiner "has failed to explain how such language [Naito, col. 9, ll. 51-54] even remotely discloses or suggests that the apparatus of claim 10 further includes, among other things, that when the display mark is drawn by the mark drawing unit, the map display unit displays a reference line created on the map in response to a fixed item in the area in which the object to be managed is positioned" (App. Br. 36).

Naito discloses determining "the position corresponding to the received position information" of a portable terminal (col. 9, ll. 53-55),

displaying "on the screen" of a display unit of the portable terminal information corresponding to a matching disaster, and a "route towards [a] shelter" . . . assigned to the current position of the portable terminal or position near thereto based of [sic, on] the shelter route information data 207" (col. 10, ll. 44-54).

The Specification fails to provide an explicit definition of the claim term "reference line" and Appellant fails to provide extrinsic evidence indicating how one of ordinary skill in the art would have interpreted the term. We therefore adopt a standard definition of the term "reference line" based on the plain meaning of the individual terms as referring to an elongated marking or indication that is of relevance to an entity. "[T]he PTO gives claims their 'broadest reasonable interpretation.'" *In re Bigio*, 381 F.3d at 1324 (Fed. Cir. 2004) (quoting *In re Hyatt*, 211 F.3d at 1372 (Fed. Cir. 2000)).

As set forth above, Naito discloses displaying a "route towards [a] shelter." We find that the displayed route is encompassed by an elongated marking or indication that is of relevance to an entity (e.g., a disaster). Appellant, while asserting that Naito does not "remotely disclose[s]" claim 12, nevertheless, fails to provide a logical basis to establish that the displayed information of Naito differs from claim 12.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 12, we affirm the rejection of claim 12.

XV. CLAIM 16

Appellant argues that the Examiner "has failed to explain how such language [Naito, col. 2, ll. 39-41] even remotely discloses or suggests that

the host computer updates the database at predetermined times" (App. Br. 37).

Naito discloses that the portable terminal "includes a timer which outputs a time-up signal at predetermined intervals, and the communication means is responsive to the time-up signal to transmit the position information data . . ." (col. 2, ll. 36-41). We disagree with Appellant that Naito fails to "even remotely disclose[s]" updating a database at predetermined times. Naito discloses a timer for managing position information at specific times (i.e., responsive to a time-up signal). Appellant, while asserting that Naito does not "remotely disclose[s]" claim 16, nevertheless, fails to provide a logical basis to establish that the timer communicating via the communication means responsive to a "time-up signal" of Naito differs from claim 16.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 16, we affirm the rejection of claim 16.

XVI. CLAIM 18

Appellant argues that the Examiner

> has failed to explain how such language [Naito, col. 1, l. 67 – col. 2, l. 3 and col. 10, ll. 26-28] even remotely discloses or suggests that the program further enables the computer to execute a process for presenting a list of objects to be managed, read from the database, so as to prompt the user to specify a particular object to be managed and to be stored in relation to the coordinate data in the fourth process.

(App. Br. 38-39).

As set forth above, Naito discloses storing information corresponding to disasters (i.e., plurality of disasters), including position and/or coordinate data, and displaying the disaster information on a user's portable terminal based on matching of position data received from portable terminal with position data of the stored disaster information. We find that the Naito disclosure, as outlined *supra*, is encompassed by claim 18. Appellant, while asserting that Naito does not "remotely disclose[s]" claim 18, nevertheless, fails to provide a logical basis to establish specific differences between the Naito disclosure and claim 18.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 18, we affirm the rejection of claim 18.

XVII. CLAIM 19

Appellant argues that the Examiner "has failed to explain how such language [Kobayashi, col. 5, ll. 6-40] even remotely discloses or suggests that the portable terminal machine is configured to input object information for managing the object to be managed independent of the position of the portable terminal machine ad the object to be managed" (App. Br. 40).

The cited portion of Kobayashi discloses object data being "brought out into the portable remote terminal which is selected from the host data base" and "creating, on the portable remote terminal, an item definition data base which defines a record attribute" (col. 5, ll. 6-11). Hence, Kobayashi discloses a portable terminal configured to receive object data of a record attribute (i.e., "input object information") from a host database and the portable terminal defining the record attribute based on the received object data from the host database. Also, Kobayashi does not disclose or suggest

that the portable terminal defining the record attribute (i.e., manages the object to be managed) is dependent on either the position of the portable terminal or the object to be managed. Therefore, we find that the portable terminal of Kobayashi manages objects to be managed independently of the position of the portable terminal and the object to be managed as recited in claim 19.

Appellant, while asserting that Kobayashi does not "remotely disclose[s]" claim 19, nevertheless, fails to provide a logical basis to establish specific differences between the Kobayashi disclosure and claim 19.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 19, we affirm the rejection of claim 19.

XVIII. CLAIM 20

Appellant argues that the Examiner "has failed to explain how such language [Naito, col. 2, ll. 28-34 and col. 10, ll. 26-28] even remotely discloses or suggests that the user specifies an object to be managed independent of the user's position relative to the object to be managed" (App. Br. 41-42).

Naito discloses the host receiving "position information data from the portable terminal **12**" (col. 9, ll. 50-51) and referring "to the retrieval key table **201** in the database **52**" (col. 9, ll. 51-52) to define "an area in which the position corresponding to the received position information data falls" (col. 9, ll. 53-54). The data set identified corresponds to attributes of a disaster such as "the impassable road section" or "disaster point information . . . disaster area information data . . . and the disaster classification

information data . . ." (col. 9, ll. 61-65). Naito also does not disclose that the portable terminal providing position information to the host database is dependent on the user's position relative to the object be managed, i.e., the portable terminal provides position information to the host database independent of the user's position relative to the object to be managed as claim 20 recites.

Appellant, while asserting that Naito does not "remotely disclose[s]" claim 20, nevertheless, fails to provide a logical basis to establish specific differences between the Naito disclosure and claim 20.

Because Appellant has failed to demonstrate the Examiner erred in rejecting claim 20, we affirm the rejection of claim 20.

IX. ORDER

In summary, the rejection of claims 1-20 under § 103(a) is affirmed.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

clj

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